In the High Court of Punjab and Haryana at Chandigarh

CWP No. 5944 of 2007

Date of Decision: 24.04.2007

Balbir Kaur …Petitioner

Versus

Punjab State Electricity Board and another …Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R.K. Joshi, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

This petition filed under Article 226 of the Constitution prays for quashing orders dated 30.6.2006 (P-5) and 31.1.2007 (P-6), whereby the claim of the petitioner for compassionate appointment has been rejected.

The facts of the case are that on 30.9.1981 the father of the petitioner Shri Amar Nath, who was serving in the respondent Electricity Board, died in harness, leaving behind his widow and three daughters including the petitioner. Unfortunately, two daughters, namely, Surinder Kaur and Balwinder Kaur had also expired. The respondent Board offered compassionate appointment to the mother of the petitioner on the post of Peon at Dhulkot, District Jalandhar. But she could not join her duties and later on she contracted a second marriage. The petitioner after attaining

the age of 28 years staked her claim with the respondent Board for giving appointment to a Class III post of Clerk on compassionate grounds being the only surviving legal heir of her father. It is claimed that the petitioner has completed all the formalities and furnished requisite documents to the respondent Board, however, her case remained pending consideration for more than 10 years and finally she made a detailed representation, dated 15.12.2005 (P-3) and thereafter served a legal notice dated 5.4.2006. On 30.6.2006, respondent Board rejected the claim of the petitioner for compassionate appointment, however, offered her financial help of Rs. 3,00,000/- as solatium as per instructions dated 17.3.2004 (P-5). The petitioner then filed C.W.P. No. 15041 of 2006 in this Court, which was disposed of vide order dated 4.12.2006, directing the respondents to take a decision on the legal notice dated 5.4.2006, served by the petitioner. Vide order dated 31.1.2007 (P-6), the claim of the petitioner for compassionate appointment has again been rejected. It is appropriate to notice here that in the order dated 31.1.2007 it has been mentioned that the petitioner was also getting family pension which was sanctioned to her under the pension rules of the respondent Board. As per rules, the pension was stopped w.e.f. 2.4.2002, when she crossed the age of 25 years. The factum of receiving pension upto the age of 25 years has not been disclosed by the petitioner in the petition.

After hearing learned counsel at considerable length, we are of the considered view that there is no merit in the instant petition and the same deserve to be dismissed. It is admitted position that father of the petitioner had expired while in service on 30.9.1981. The petitioner is stated to have acquired the qualification of 10+2 and it is only after

attaining the age of 28 years she has applied for appointment on a Class III post on compassionate ground. She used to get family pension upto the age of 25 years, which fact she has not disclosed in her petition. It is well settled that the compassionate appointment is not a mode of entry into service but it is only to help the surviving members of the family to overcome sudden financial crises created by the death of bread winner, as has been held by Hon'ble the Supreme Court in the cases of **Hindustan Aeronautics Ltd. v. A. Radhika Thirumalai, (1996) 3 SCC 394** and **National Hydro Electric Power Corpn. v. Nanak Chand, (2004) 12 SCC 487**. After such a huge delay of more than 26 years, it cannot be concluded that the situation created by the death of father of the petitioner is continuing. There is no ground to issue direction to the respondents for giving compassionate appointment to the petitioner. The writ petition is dismissed.

It is, however, made clear that this order shall not debar the petitioner from receiving the financial assistance of Rs. 3,00,000/-, which has been offered to her by the respondent Board vide orders dated 30.6.2006 and 31.1.2007 (P-5 and P-6).

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

April 24, 2007
Pkapoor